

Message Text

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ACTION COA-02

INFO OCT-01 ARA-16 ISO-00 H-03 CIAE-00 COME-00 DODE-00

EB-11 FMC-04 INR-10 NSAE-00 RSC-01 CG-00 DLOS-06

SCA-01 SCS-03 PA-04 USIA-15 PRS-01 SPC-03 PM-07 INT-08

DRC-01 /097 W

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P 182252Z JAN 74

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC PRIORITY 9648

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E.O. 11652: N/A

TAGS: EFIS, MX

SUBJECT: SEIZURE OF U.S. SHRIMP VESSEL DANA BILL

REF: MEXICO 433

1. INFORMATION CONTAINED IN PARA 1 OF REFTEL HAS PROVED INCORRECT. ORIGINAL DECISION WAS REVERSED AND IT WAS DECIDED THAT FINE FOR THE DANA BILL SHOULD NOT BE LESS THAN THAT CHARGED FOR THE LAST INFRACTION. THAT WAS THE CASE OF F.V. VATICAN AND THE FINE WAS 8,000 DOLLARS. THE FINE FOR THE DANA BILL WILL BE THE SAME.

2. IN ADDITION TO THE FINE LEVIED BY THE FISHERIES DEPARTMENT THERE ARE PAYMENTS TO THE TREASURY DEPARTMENT BASED ON THE AMOUNT OF SHRIMP ABOARD AND THE TONNAGE OF THE VESSEL. IN THE FIRST CASE THE CHARGE TO THE DANA BILL IS 14.62 DOLLARS DUE TO THE SMALL AMOUNT OF SHRIMP ABOARD (CALCULATED AT ONE PESO PER KILO). THE SECOND CHARGE IS ANOTHER MATTER. IN THE PAST, SEIZED VESSELS HAVE PAID THIS ON THE BASIS OF 225 PESOS PER GROSS TON. THE DANA BILL IS BEING

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ASSESSED AN AMOUNT THREE TIMES THIS, WHICH IN THE

PRESENT CASE COMES TO 1,944 DOLLARS. THE TRIPLE CHARGE IS BASED ON MEXICAN LAW THAT PROVIDES A STANDARD FEE OF 225 PESOS PER TON FOR VESSELS THAT ENTER PORT WITH PERMISSION AND A FEE OF THREE TIMES THAT FOR VESSELS WHO ENTER PORT WITHOUT PERMISSION. THE EMBASSY HAS QUESTIONED THIS INERPRETATION OF THE LAW AS APPLIED TO VESSELS THAT ARE ESCORTED INTO PORT AND THERE IS A POSSIBILITY THAT THIS PART OF THE TOTAL CHARGES MAY BE REDUCED.

3. IT APPEARS THAT THE 8,000 DOLLAR FINE OF THE VATICAN IS CONSIDERED A PRECEDENT AND THAT THIS IS THE MINIMUM THAT CAN BE EXPECTED IN THE FUTURE.

4. THE WIFE OF CAPTAIN/OWNER WILLIAM DANIELS CALLED THE EMBASSY ON JANUARY 18 TO COMPLAIN ABOUT LACK OF ACTION BY USG. SHE SAID THAT OTHER BOATS WHICH WERE IN THE VICINITY AT TIME OF SEIZURE WILL TESTIFY THAT HER HUSBAND WAS NEVER WITHIN MEXICAN WATERS. SAID SHE INTENDS TO FLOOD WASHINGTON WITH LETTERS PROTESTING INABILITY OF U.S. TO PROTECT ITS CITIZENS.

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